

The Intelligencer.

OFFICE: No. 16 Quincy Street.
SATURDAY, APRIL 5, 1873.

The Legal Status of the Wheeling & Belmont Bridge Company.

We have been shown a memorial prepared at the instance of many citizens living on the Island, supplemental to a petition of theirs presented at a recent meeting of Council, praying that body to compel the Wheeling & Belmont Bridge Company to remove certain obstructions from the roadway at the west entrance to the Suspension Bridge. The supplemental memorial, which will be presented to Council, we learn, at its next meeting, is a general review and examination of the legal status of the Bridge Company. All the legislation to which the Company owes its existence, and under which it claims franchises, is carefully examined with a view of ascertaining just what rights and powers the Company is legally possessed of, with a view, secondarily, of determining to what extent the corporation is subject to the control of the city. The object is to show that the company really has no franchises in law and collects tolls simply by the sufferance of the community; and that this being true the company ought to manifest more regard than it does for the convenience of the public in certain particulars mentioned, and that persisting in a refusal to do this, it is the duty of the council to take the Company in hand and enforce such regulations as the interest and convenience of the citizens demand.

We do not know just how much of a case a lawyer might be able to show on the other side, but it strikes us the writer of this memorial makes a pretty strong exhibit of law and logic for his side of the question. The general argument we understand to be in brief, this: That the Ohio river being a public and national highway, the legislation whereby the State of Virginia undertook to authorize a private corporation to bridge it in such a way as to obstruct navigation, and to collect tolls on such a bridge, was an assumption of authority the State did not possess, but which was lodged only in Congress; that the bridge was an illegal structure and the Company had no valid right of property in it nor franchises in the use of it, until it was legalized by the action of Congress, in 1853, declaring it a lawful structure and making it a post road; and that as this act simply gave the Company a right of property in its bridge, but no franchises, no right to collect tolls has ever been in fact conferred on the Company at all.

The memorial also argues that the Company has no exclusive privileges as to either ferries or bridges between the Island and the two shores; and the argument appears to be pretty well fortified by citations of law. The document is one that may well receive the careful attention of Council.

There is no disposition anywhere, we think, to be hard on the Bridge Company, even if the positions of this memorial should be found correct. Those who are familiar with the Bridge controversy here twenty years ago, when only the intervention of Congress saved the structure from being pulled down, say it became well understood then that the Company was destitute of real authority to collect tolls; but as a matter of equity, the community, recognizing both the value of the work to the city and the natural right of the Company which had built and sustained it to a due reward for their investment and pluck, made no objection, and has never made any since to the payment of tolls. Every corporation which exists by public favor and subsists by the patronage of the public, is bound to render that public the best service it can. It is bound to show some deference to the public wishes and some regard for the convenience and advantage of its patrons. This ought to be more especially true of a corporation whose business rests not on legal franchise but on public tolerance. We do not assert that this is the status of the Wheeling & Belmont Bridge Company; but we say that a strong argument has been made to show that it is; that the question is likely to become one of so much consequence as to oblige the Company to show the contrary if it can; and that meanwhile it would be not only prudent but right in itself for the Company to make every reasonable exertion to remedy the matters complained of by the people on the Island.

POLITICAL affairs in Virginia are decidedly "mixed." A Governor is to be elected next fall, and there are three factions in the field. The first is known as the straight-out Republicans or radicals, and includes the greater number of officeholders and the colored people; then there are the Conservative Republicans, who supported General Grant last fall, and last of all, the regular Democrats. It is also reported that General HENRY A. WISE will run independently for Governor.

THE first number of the *Martinsburg Daily Independent* is at hand—a very neat, bright, live looking little sheet. It has two or three columns of telegraphic dispatches, and all other departments are well filled. The paper will aim to be not neutral, but entirely independent in politics. Martinsburg has now a population of six thousand and steadily growing. This ought to insure the success of a well conducted daily paper, such as the *Independent* promises to be.

It appears from the census that in 1870 there were in West Virginia 39,736 persons over 21 years of age who could not write. Of these 15,191 were males and 24,545 females.

THE Memphis *Appeal* says of Fremont: "Whatever may be his fate, he was never a rogue, and however anxious he was to secure gold or iron, it was that he might build a great railway, and not that Fremont might be enriched. He is most generous rather than avaricious."

The New Tale of Two Cities.

(From the N. Y. Graphic.)

The Goodrich murder develops all the elements of a sensational novel, and because of this quality it touches all classes more deeply than any other recent tragedy. The mystery that enveloped it was its first charm, but this alone would have been but a nine days' wonder. When it was known that a woman was in some way connected with it, the interest deepened, only to be increased by the discovery that more than one woman was concerned. The dead man's story. Love came to the surface as a power in the tragedy; then the jealousy of a woman scorned and turned away from the house that should have been her home. At last the jealousy of a man, spurred for a rival and maddened almost to the despair of revenge, came to the surface. The emotional element. Thus, the groupings of the first scene were complete. As in the yellow covered novel, the thread of the chapter is snapped off when once the interest has brought together the characters who are to make its pages lurid; or, as in the theatre, the first fall of the curtain sets tongues in motion to ask of one another what will be the denouement of the strange opening scene, so, in the true tale of two cities, the public watch eagerly for the next issue of the newspaper which shall take up and follow the thread of the narrative. It is no marvel. The passions that moved the heart of Charles Goodrich, his friends and his foes, have their open or hidden counterpart in all others.

The details of the tragedy are becoming complete to the point of romance. There is the lonely house in Brooklyn, lit up by suspicious lights, and sometimes filled with more suspicious cries. An invisible connects its brown-stone front with a mean and miserable tenement-house in New York. The master of the spacious mansion visits the apartments of poverty, and his visits are returned but are not unwelcome. Here a heavy villain appears upon the scene. A larger black-belted and desperate, loving and revenging, wearing the traditional cloak, he vulgarizes the conventionalism of tragedy (if he be indeed the guilty one) by the use of a pistol instead of a stiletto. He does not complete the circle of characters, however. Other figures, male and female, flit about the stage. The most conspicuous of these is a beautiful blonde, of Juno-like appearance, who was not a stranger to the Brooklyn house, whatever may have been the tale that bound her to the owner. Surely, nothing more is needed to complete the opening chapter of the tragedy. Indeed, audience and readers grow impatient for their hearts are stirred to the core.

Yet the element of pathos must not be omitted. The heroine first suspected of the murder is a poor sewing girl, whose weary work, day in, day out, supports an aged father and mother and two little children. She is content to labor on a crust of bread, but she cannot bear to see others starve. Apparently, she is no better and no worse than the other poor people who pass her on the street, except that her temptations are almost too heavy to be borne. She was sought out by a rich man, an honored member of a Christian church, to minister secretly to his pleasures, or to adorn the bazaar which she seems to have kept at her home—and she yielded to his promise of bread to her famishing family. A larger breaking heart is starting at her blasted life—quiet and determined, because she has herself to defend against the world.

The Register and Gov. Jacob.

To the Editors of the Intelligencer.

The Register of the 31st ultimo publishes Governor Jacob's veto message of the Bill constituting the present Executive officers of the State "The Board of Public Works," with the following commentary: "The message contains nothing new on the radical side of the controversy, and re-states, or 're-hashes,' the old argument in a somewhat 'condemning' manner." The editors of that paper are like the man who after listening to one of the ablest legal arguments ever delivered in the Supreme Court of the United States, by Daniel Webster, in which he was defendant in the court above, asked his lawyer "what that little old black man had been talking about all the forenoon?" The reply was, "It was the old—talk for his case which had been made, and the trouble with him was, to answer it." It is not presumed the editors of the Register would know much about nice questions of constitutional law; and the way for them to get around the able veto message of Governor Jacob, exactly in the manner they have, we would like to see some of the Senators, who in such hot waste, "moved to pass the bill over the veto message" answer it, or attempt its refutation by fair, legal, manly discussion. It is always much easier for some persons to make light of an argument or slander the author, than it is to successfully answer it. Now Sir, in all serious and candid we have differed with the Governor on some of his constitutional propositions respecting his right to appoint certain officers or agents, we must do him the justice to confess, that his very able veto message upon the questions at issue, together with the legal authorities therein cited, have caused us to doubt about the meeting of certain sections of the new Constitution. Grave and serious questions may grow out of the hasty and ill advised partisan legislation of our law makers at Charleston. They may have caused the Auditor, Treasurer, Attorney General and State Superintendent of free schools to have vacated their offices as such by accepting offices in the Board of Public Works. The only thing however, that may save them, is the unconstitutionality of the act creating "The Board of Public Works." That act being void, the acceptance of an office under it, might be held void also. What is an office or agent, within the meaning of the Constitution of this State, is a question of more difficulty than the determination of the Jacob may suppose. To say the least of it, it is by no means free from serious legal difficulty in the present controversy. April 2d, 1873. X. Y. Z.

The Causes of the Stringency.

(From the Philadelphia Record.)

Were it clearly understood that the legal tender circulation would not be raised above \$350,000,000, prices and business would soon become adjusted. Some losses on the inflated values of stocks might be suffered in the adjustment, but in the end the country should be healthier and in better condition. The uncertainty hanging over the question of the release of the cancelled greenbacks is the source of great trouble.

It appears now to be conceded that the borrowed sterling which has been utilized in New York to so great an extent has been reduced to as to be in a manageable condition, the highest estimate of the amount now outstanding being from ten to twelve million dollars. There can be but little doubt that the sudden retiring of a large amount of this form of credits has been the chief cause of the money stringency, and has stimulated the operations of the gold clique. The *Evening Post* says that "the supply of money in the foreign banks is now more completely shut off than for a year past, or than will probably be for a year to come, for the reason that such an opposition to the borrowed sterling business has been raised in London, where the bills go for discount, that for the moment this business, even to a prudent extent, is checked."

Whatever may be the case, it is not to be denied that the money market in London that the business has been brought within safer limits, the wheels of credit will again turn and foreign money be more freely used.

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The Spring Term of this Institute will open April 24, 1873. The two terms, the second of which is about to close, have been a decided success. It is now offered to the public as a permanency. WATSON & BUTCHERSON.

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2187, 2189, 2191, 2193, 2195, 2197, 2199, 2201, 2203, 2205, 2207, 2209, 2211, 2213, 2215, 2217, 2219, 2221, 2223, 2225, 2227, 2229, 2231, 2233, 2235, 2237, 2239, 2241, 2243, 2245, 2247, 2249, 2251, 2253, 2255, 2257, 2259, 2261, 2263, 2265, 2267, 2269, 2271, 2273, 2275, 2277, 2279, 2281, 2283, 2285, 2287, 2289, 2291, 2293, 2295, 2297, 2299, 2301, 2303, 2305, 2307, 2309, 2311, 2313, 2315, 2317, 2319, 2321, 2323, 2325, 2327, 2329, 2331, 2333, 2335, 2337, 2339, 2341, 2343, 2345, 2347, 2349, 2351, 2353, 2355, 2357, 2359, 2361, 2363, 2365, 2367, 2369, 2371, 2373, 2375, 2377, 2379, 2381, 2383, 2385, 2387, 2389, 2391, 2393, 2395, 2397, 2399, 2401, 2403, 2405, 2407, 2409, 2411, 2413, 2415, 2417, 2419, 2421, 2423, 2425, 2427, 2429, 2431, 2433, 2435, 2437, 2439, 2441, 2443, 2445, 2447, 2449, 2451, 2453, 2455, 2457, 2459, 2461, 2463, 2465, 2467, 2469, 2471, 2473, 2475, 2477, 2479, 2481, 2483, 2485, 2487, 2489, 2491, 2493, 2495, 2497, 2499, 2501, 2503, 2505, 2507, 2509, 2511, 2513, 2515, 2517, 2519, 2521, 2523, 2525, 2527, 2529, 2531, 2533, 2535, 2537, 2539, 2541, 2543, 2545, 2547, 2549, 2551, 2553, 2555, 2557, 2559, 2561, 2563, 2565, 2567, 2569, 2571, 2573, 2575, 2577, 2579, 2581, 2583, 2585, 2587, 2589, 2591, 2593, 2595, 2597, 2599, 2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, 2619, 2621, 2623, 2625, 2627, 2629, 2631, 2633, 2635, 2637, 2639, 2641, 2643, 2645, 2647, 2649, 2651, 2653, 2655, 2657, 2659, 2661, 2663, 2665, 2667, 2669, 2671, 2673, 2675, 2677, 2679, 2681, 2683, 2685, 2687, 2689, 2691, 2693, 2695, 2697, 2699, 2701, 2703, 2705, 2707, 2709, 2711, 2713, 2715, 2717, 2719, 2721, 2723, 2725, 2727, 2729, 2731, 2733, 2735, 2737, 2739, 2741, 2743, 2745, 2747, 2749, 2751, 2753, 2755, 2757, 2759,